

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

mitsui rail capital, llc,

Plaintiff,

v.

DETROIT CONNECTING RAILROAD  
COMPANY,

Defendant.

and

LIBERTY SURPLUS INSURANCE  
COMPANY,

Plaintiff,

v.

DETROIT CONNECTING RAILROAD  
COMPANY,

Defendant/Cross-Plaintiff.

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**ORDER DENYING MOTIONS**

For the reasons stated on the record at the hearing held December 4, 2014, Detroit Connecting Railroad Company's Motion for Summary Judgment Against Plaintiff Mitsui Rail Capital, LLC Under Rule 56 (Doc. No. 83), Detroit Connecting Railroad Company's Motion for Summary Judgment Against Liberty (Doc. No. 84), Mitsui Rail Capital, LLC's Motion to File a First Amended Complaint Against Defendant Detroit

Connecting Railroad Company (Doc. No. 85), Mitsui Rail Capital LLC's Motion for Summary Judgment on the Pleadings Pursuant to Fed. R. Civ. P. 56(a) (Doc. 86), and Liberty Surplus Insurance Corporation's Amended Motion for Summary Judgment Pursuant to Fed. R. Civ. P. 56 (Doc. No. 89) are **DENIED**.

**IT IS SO ORDERED.**

Date: December 4, 2014

s/Marianne O. Battani  
MARIANNE O. BATTANI  
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail to the non-ECF participants on December 4, 2014.

s/ Kay Doaks  
Case Manager